

### REMARKS

Reconsideration of the instant application is respectfully requested in view of the foregoing amendments and the following comments. Claims 1, 12, and 13 are in this application with new claims 2-11 cancelled and claims 12 and 13 added herein.

Initially, the office action objects to the specification and the claims, it is submitted that the above amendments to the specification and claims address the objections and clarifies a typographical error in the specification. Withdrawal of the objections is requested.

Next, the office action rejects claims 2, 4-7, and 10 under 35 U.S.C. § 112, second paragraph, as indefinite. These claims are now cancelled so it is submitted that the rejection is now moot.

On the merits, the office action rejects claims 1-3, 5, 6, and 8-11 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 7,209,435 to Kuo in view of U.S. Patent No. 6,493,318 to Bare. Claims 4 and 7 are rejected under § 103(a) as unpatentable over Kuo in view of Bare and in further view of U.S. Published Application No. 2004/0064583.

Claim 1 is amended herein and the amendments are supported by the specification at least at paragraphs [0029]-[0048], as filed. Thus no new matter is added by these amendments.

As amended claim 1 provides a relay device for concurrently realizing a load balancing and a redundancy configuration between relay devices that are arranged in parallel. The device incorporates a packet identifier, that is, data identifying information necessary upon restoring data divided into packets, a weight indicating a degree of communication load to be accepted, and information of preference of the device itself are employed. Claim 1 also provides for control packets (hello packets) including device identifier, weights, and preferences are transmitted/received at predetermined timing, whereby a packet identifier to be relayed by the

device itself is determined from the preferences and weights within the same group except relay devices having received no control packets at the predetermined timing.

Accordingly, it is submitted that independent claim 1, as amended, patentably distinguishes over the relied upon portions of Kuo, Bare, and Daniel and is therefore allowable. Claims 12 and 13 depend from claim 1 and are allowable therewith.

**Conclusion**

In view of the remarks and amendments set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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